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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/888,797	06/25/2001	H. Brock Kolls	USA-010-01	2586

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H. BROCK KOLLS
USA TECHNOLOGIES, INC.
100 DEERFIELD LANE
SUITE 140
MALVERN, PA 19355

EXAMINER

MILEF, ELDA G

ART UNIT	PAPER NUMBER
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3692

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/06/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	09/888,797	KOLLS, H. BROCK	
	Examiner	Art Unit	
	Elda Milef	3692	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 November 2006.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. It is noted that in an attempt to further prosecution, the Examiner is considering this amendment to be compliant when in fact the failure of the applicant to comply with rule 37 CFR 1.121 regarding the appropriate presentation of amended claim 1 in particular step f would have rendered the amendment as non-compliant.-see MPEP §714, and 37 CFR 1.121 (b)(1)(ii).

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1-17, 38 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification, as originally filed does not provide support for the invention as

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is now claimed, i.e., (RAAL) remote authorization attempt limit. The term is not defined in the specification. The specification describes a maximum authorization attempts limit on page 81. There is not sufficient support in the specification as to the defining remote authorization attempt limit.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-33, 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Levasseur (U.S. Patent No. 6,427,912) in view of Teicher (U.S. Patent No. 5,728,999 in further view of Hintz (Hintz, Klaus. *Put It On My Card, Please*, CMA. Hamilton: Apr 1998, Vol. 72, Iss.3; pg. 18, 3 pgs.)

Re claim 1,5,6,9,15: Levasseur discloses:

obtaining at an audit-credit-interactive system a plurality of card identification data; authorizing a vending transaction

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responsive to at least one of the remote or local transaction authorization test. ("The present invention utilizes a system and method for approving and processing credit card transactions in an off-line vending machine or system...the system is so constructed or programmed to operate to verify acceptable card types, ..by verifying card number check sums, determine that the credit card presented...is currently valid, i.e., unexpired, and has an authorized credit limit...")-see col. 2 lines

42-55 and authorizing a vending transaction-see cols. 1-3;

Although Teicher teaches remote authorization,-see cols. 2-5, Levassaur and Teicher does not specifically disclose determining if a remote authorization attempt limit (RAAL) has been reached. Hintz however, teaches ("The company can set limits on the number of transactions and on the individual purchase amounts...")-see p. 2, para. 2. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Levasseur and Teicher to include limiting the number of transactions to be charged on a credit card as taught by Hintz in order to prevent fraudulent use of the credit card.

Levasseur does not specifically disclose performing a remote transaction authorization test if the RAAL has not been reached ; performing a local transaction authorization test if

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the RAAL has been reached; Teicher however, teaches ("According to one embodiment of the present invention, the merchant 1021 may undertake part of the risk from the card issuer and therefore the on-line or off-line check with the bank or credit company will be for only part of the maximal possible purchase value. For example...It will be appreciated that risk sharing between banks and credit companies and merchants is a common practice and typically depends on factors such as customer behavior...")-see col. 14 lines 25-50, also, cols. 2-18. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Levasseur to include the choice of on-line (remote) or local authorization dependent on various factors as taught by Teicher in order to provide more efficient service to the customer.

Re claim 2: Levasseur discloses:

performing a card validity test on said plurality of card identification data ("The present invention utilizes a system and method for approving and processing credit card transactions in an off-line vending machine or system...the system is so constructed or programmed to operate to verify acceptable card types, ..by verifying card number check sums, determine that the credit card presented...is currently valid, i.e., unexpired; and has an authorized credit limit...")-see col. 2 lines 42-55;

performing a card usage frequency limit test ("The system may also be so constructed or programmed to be operable to limit the number of transactions...limit the number of authorized transactions...")-see col. 2 lines 55-67;

performing a test of said plurality of card identification data against a plurality of local databases and updating said plurality of local databases ("the system can check a credit card account number against a listing of previously approved card numbers to identify 'preferred' customers...programming that compares a credit card account number to an off-line list of 'hot' card numbers before allowing a transaction. The system can also provide...for updating of a 'hot' card list...")-see col. 3 lines 6-17. Further it is obvious that the "listings" referred to by Levasseur is a database because the list is accessed by the system and stored in computer memory-see Fig.1 (41). Therefore, it is obvious that the electronic "list" is a database.

Re claims 3: Levasseur discloses determining a current authorization attempt, wherein said current authorization attempt is a current iteration of a local authorization routine and comparing said current authorization attempt to a local authorization routine entry-see Fig. 1 (43), col. 2 line 55-col. 3 line 4, col. 7 line 4-16, col. 13 line 61-col.14 line 3.

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Levasseur do not explicitly disclose using a counter, however, official notice is taken that it is old and well known in the art of computer programming that counters are frequently used. For example in object oriented computer programming languages such as C++, and Java, the use of counters is commonplace in keeping track of iterations in a "for" loop. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include keeping track of iterations using a counter as is old and well known in the art of computer programming in order to provide the user with an effective way to control the execution of the program such as in the use of loops.

Re claim 4: Although Levasseur disclose a system programmed to determine credit transaction limitation counts stored in a listing in computer memory thereby limiting the number of off-line credit transactions authorized, (local authorization flag test)-see Fig. 1 (43), col. 2 line 55- col. 3 line 4, col. 7 line 4-16, col. 13 line 61-col. 14 line 3. Levasseur does not explicitly disclose using a counter. official notice is taken that it is old and well known in the art of computer programming that counters are frequently used. For example in object oriented computer programming languages such as C++, and Java, the use of counters is commonplace in

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keeping track of iterations in a "for" loop. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include keeping track of iterations using a counter as is old and well known in the art of computer programming in order to provide the user with an effective way to control the execution of the program such as in the use of loops.

Re claims 7& 8: Levasseur disclose wherein said plurality of card identification data includes data from a credit card and the step of performing a card identification validity test includes a test to determine if said card identification data is expired based on date -see col. 2 lines 41-67.

Re claim 10: Levasseur disclose wherein determining a card usage frequency of said plurality of card identification data, wherein said card usage frequency is the number of times said plurality of card identification data has been presented for authorization in a predetermined time period-see col. 2 line 55-col. 3 line 5.

Re claim 11: Although Levasseur disclose the step of performing a card usage frequency limit test-see col. 2 line 55-col. 3 line 5, Levasseur do not disclose communicating with a remote location to obtain an authorization approval for said cashless payment transaction. Teicher however, teaches ("An

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electronic checkbook-This is a credit card...identifying a remote credit account and authorizing transactions therefrom")-see col. 2 line 54-col. 3, Figs. 10A-11C and related text. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Levasseur to include on-line (remote) or local authorization dependent on various factors as taught by Teicher in order to provide more efficient service to the customer.

Re claim 12: Levasseur disclose wherein said plurality of local databases are resident at said audit-credit-interactive system -see Fig. 1 MEMORY (42-50);

Re claim 13: Levasseur disclose determining if said plurality of card identification data is included in said plurality of local databases -see Fig. 1 Memory (42-50) and col. 5 lines 48-64.

Re claim 14: Levasseur disclose a positive database-see Figs. 1,2 and col. 6 lines 21-35.

Re claim 16: Levasseur disclose wherein the step of updating said plurality of local databases further comprises

a) adding said card identification data to positive-database upon transaction approval-see col. 7 lines 53-60, also see Fig. 8 (41) MEMORY, and related text;

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b) adding said card identification data to said negative-database when said cashless payment transaction authorization request is denied-see col. 6 lines 44-48;

Levasseur does not disclose removing card identification data from said negative-database when a remote authorization request is approved. Teicher however teaches procedures of accounting and reporting remote transaction authorization-see col. 2 line 53-col. 5, col. 14, col. 16 and Figs. 10A-11C and related text. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Levasseur to include accounting for remote authorization transaction approval as taught by Teicher in order to maintain accurate information in the databases.

Re claim 17: Claim 17 has similar limitations disclosed in claims 1 and 3 above and is therefore rejected using the same art and rationale.

Re claim 18: Levasseur disclose:

a)obtaining at an audit-credit-interactive system a plurality of card identification data-see col. 2 lines 48-59;

b) determining if a local authorization flag is set and d) if said local authorization flag is set, performing at said audit-credit-interactive system a local transaction

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authorization test of said plurality of card identification data; e) authorizing said cashless payment transaction based on local transaction authorization-see cols. 1-8;

Levasseur does not specifically disclose if said authorization flag is not set, performing a remote transaction authorization test. Teicher however, teaches ("An electronic checkbook-This is a credit card...identifying a remote credit account and authorizing transactions therefrom")-see col. 2 line 54-col. 3, Figs. 10A-11C and related text. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Levasseur to include on-line (remote) or local authorization dependent on various factors as taught by Teicher in order to provide more efficient service to the customer.

Re claim 19: Levasseur disclose wherein said plurality of card identification data includes data from a credit card-see col.2 lines 41-67.

Re claim 22: Levasseur disclose determining if said card identification data is expired based on date-see col. 2 lines 48-55.

Re claim 31: Levasseur disclose determining if said cashless payment transaction received an authorization approval from the step of performing at said audit-credit-interactive

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system the local transaction authorization test of said plurality of card identification data-see col. 4 line 59-col. 5 line 3., cols. 2-3.

Re claim 32: Levasseur does not specifically disclose communicating with said remote location to obtain a second authorization from said remote location for cashless transaction when said cashless transaction has received an approval from the step of performing as said audit credit interactive system the local transaction authorization test. Teicher however, teaches ("According to one embodiment of the present invention, the merchant 1021 may undertake part of the risk from the card issuer and therefore the on-line or off-line check with the bank or credit company will be for only part of the maximal possible purchase value. For example...It will be appreciated that risk sharing between banks and credit companies and merchants is a common practice and typically depends on factors such as customer behavior...")-see col. 14 lines 25-50, also, cols. 2-18. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Levasseur to include on-line (remote) or local authorization dependent on various factors as taught by Teicher in order to provide more efficient service to the customer.

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Re claim 33: Levasseur disclose batching into a single batch a plurality of said cashless payment transactions-see col. 1 lines 57-61.

Re claims 20, 21, 23, 24, 25, 26, 27, 28, 29, 30 have similar limitations found in claims 3, 4, 9, 10, 12&13, 13, 14, 16, 1, 17 above, therefore are rejected by the same rationale.

Re claim 36: Claim 36 has similar limitations found in claims 1 and 18 above, and therefore is rejected by the same art and rationale.

4. Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Levasseur, in view of Teicher, Hintz as in claim 18, above and further in view of Muftic (US Patent No. 5,850,442).

Re claim 34: Levasseur, Teicher, and Hintz do not disclose processing said cashless payment transaction in the international currency of origin. Muftic, however teaches conducting a variety of common electronic business transactions over an extended network and ("In this case, the current value field contains a summation of all certificates, such as that shown in FIG. 1910 converted, using conversion values from the nationality stated to a desired currency value.")-see col. 17 lines 4-7. It would have been obvious to one having ordinary

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skill in the art at the time the invention was made to modify Levasseur, Teicher, and Hintz to include conversion of electronic money into a desired international currency as taught by Muftic in order for the user to gain a better understanding of expenses charged and reflected on the credit card statement.

5. Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Levasseur, in view of Teicher, Hintz, as in claim 18 above, and in further view of Boston.

Re claim 35: Levasseur, Teicher and Hintz do not disclose wherein said remote location is a credit bureau. Boston however, teaches ("The issuer 2- may be a bank or other financial institution. Often, the issuer will collect information from the cardholder to make an evaluation and assign a credit limit to the cardholder...")-see col. 4 lines 55-61 and col. 3 lines 24-31. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Levasseur, Teicher and Hintz to include the requesting authorization of a transaction at the issuer location (remote location) as taught by Boston in order to reduce the risks associated with the fraudulent use of the credit card or exceeding credit limits.

Response to Arguments

6. Applicant's arguments with respect to claims 1-35 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elda Milef whose telephone number is (571)272-8124. The examiner can normally be reached on Monday -Thursday 8:30 am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on (571)272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


RICHARD E. CHILCOT, JR.
SUPERVISORY PATENT EXAMINER

Elda Milef
Examiner